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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,734	11/13/2001	Takehiro Ikeda	3815/139	3537

7590 09/07/2004  
Brown Raysman Millstein Felder & Steiner LLP  
900 Third Avenue  
New York, NY 10022

EXAMINER
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NGUYEN, HUY D

ART UNIT	PAPER NUMBER
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2681

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DATE MAILED: 09/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/054,734

Applicant(s)

IKEDA ET AL.

Examiner

Huy D Nguyen

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-11,13-17,19-23,25 and 26 is/are rejected.
- 7) ☒ Claim(s) 6,12,18 and 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1, 4, 13, 16, 25 are rejected under 35 U.S.C. 102(a) as being anticipated by Uebayashi et al. (U.S. Patent No. 6,181,944).

Regarding claims 1, 13, 25, Uebayashi et al. teaches a mobile communication system including multiple base stations that are interconnected two-dimensionally and offer radio communication services in individual service areas, each of said base stations comprising: information exchanging means for exchanging information about broadcast information with other base stations; and broadcast information generating means for generating broadcast information about a broadcasting area of said base station from information about broadcast information that is sent from said other base stations and obtained by said information exchanging means (col. 10, lines 9-37).

Regarding claims 4, 16, Uebayashi et al. teaches mobile communication system as claimed in any one of claims 1-3, wherein the information about the broadcast information includes information for controlling coverage (e.g., information for estimated position) of the information about the broadcast information (col. 10, lines 17-21).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-3, 5, 14-15, 17, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uebayashi et al. (U.S. Patent No. 6,181,944) in view of Malko (U.S. Patent No. 6,519,248).

Regarding claims 2, 14, Uebayashi et al. does not teach that base stations are interconnected via an IP network. However, the preceding limitation is taught in Malko (col. 9, line 67 – col. 10, line 11). Therefore, it would have been obvious to one of ordinary skill in the art to have base stations interconnected via an IP network as taught in Malko for the base stations to exchange packets.

Regarding claims 3, 15, 26, Uebayashi et al. does not teach multicast. However, the preceding limitation is taught in Malko (col. 15, lines 42-48). Therefore, it would have been obvious to one of ordinary skill in the art to use multicast taught in Malko to conserve resource.

Regarding claims 5, 17, Uebayashi et al. does not teach hopping field value. However, the preceding limitation is taught in Malko (col. 15, lines 42-48). Therefore, it would have been obvious to one of ordinary skill in the art to use hopping field value as taught in Malko to avoid circulating the same packet endlessly in the network.

5. Claims 7-11, 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uebayashi et al. (U.S. Patent No. 6,181,944) in view of Day (U.S. Patent No. 6,463,273).

Regarding claims 7-11, 19-23, Uebayashi et al. does not teach mobile communication system as claimed in claim 1, further comprising a mobile station that comprises means for acquiring broadcast information about an area other than a broadcasting area the mobile station is visiting, from a base station in the broadcasting area the mobile station is visiting. However, the preceding limitation is taught in Day (col. 2, lines 36-52). Therefore, it would have been obvious to one of ordinary skill in the art to apply the teaching of Day to the teaching of Uebayashi et al. to alert and advise selected users to potential or existing emergencies.

***Allowable Subject Matter***

6. Claims 6, 12, 18, 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 6, 12, 18, 24, prior art fails to teach mobile communication system as claimed in claim 4, wherein the information for controlling the coverage of the information includes latitude and longitude information of a source base station and its desired reception coverage value.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D Nguyen whose telephone number is 703-305-3283. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 703-308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**DAVID HUDSPETH**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**